



The decision rendered by the Administrative Law Judge denying the Workers Compensation Fund's motion to dismiss is an interlocutory order and subject to modification at the time of the final award. Had the Administrative Law Judge granted the Fund's motion, that order would have been considered final in nature and subject to review by the Appeals Board pursuant to K.S.A. 44-551 as amended by S.B. 59 (1995) as with any other final order or decision.

The Appeals Board finds, after examining both K.S.A. 44-551 as amended by S.B. 59 (1995) and K.S.A. 44-534a, that the subject Order is neither a final order which can be reviewed by the Appeals Board pursuant to K.S.A. 44-551, nor an issue delineated in K.S.A. 44-534a as appealable from a preliminary hearing. The Order before us pertains to an interlocutory matter regarding the liability of the Kansas Workers Compensation Fund over which the Administrative Law Judge has authority if called upon during these proceedings.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge Nelsonna Potts Barnes remains in full force and effect.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of September, 1995.

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BOARD MEMBER

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BOARD MEMBER

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BOARD MEMBER

c: Eric K. Kuhn, Wichita, Kansas  
J. Philip Davidson, Wichita, Kansas  
Nelsonna Potts Barnes, Administrative Law Judge  
Philip S. Harness, Director